

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

UNITED STATES OF AMERICA

v.

FLORENTINO RUIDIAZ, JR.,

Defendant

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CRIMINAL NO. 05-10214-MLW

JOINT MOTION TO CONTINUE STATUS CONFERENCE

The United States of America and Defendant, Florentino Ruidiaz, Jr., by their undersigned counsel, respectfully move the Court to issue an Order that: (a) adjourns the final status conference presently set for February 15, 2006, (b) resets the status conference for March 7, 2006, and (c) designates the time from February 15, 2006, through and including the rescheduled date for the final status conference to be a period of excludable delay. As grounds in support of this motion, the parties submit as follows:

1. The most recent status conference in this matter took place on January 19, 2006. At that status conference, defense counsel requested an additional period of time in order to meet and consult with Defendant, who is presently detained. Defense counsel requested this additional time both to review discovery with Defendant and to determine whether this matter might be resolved without trial. The Court granted defense counsel's request and set a final status conference for Wednesday, February 15, 2006.

2. Due to the press of other criminal matters including a lengthy evidentiary hearing before Judge Wolf and a 10-day trial before Judge Gorton involving another client in United States v. Andre Page, et al., CR04-10234, defense counsel simply has been unable to travel to the facility where Defendant is being detained for the purpose of meeting and consultation.

3. The parties agree that a short adjournment of the final status conference in this matter is in the interests of justice to ensure that Defendant receives effective assistance of counsel. Given that the Court is not available during the week of February 20th and that counsel is not available during the week of February 27, the parties respectively request that the final status conference be reset for March 7, 2006. This will provide defense counsel sufficient time to meet with Defendant for the purpose of providing effective preparation, assistance, and advice.

4. The parties further agree that, pursuant to 18 U.S.C. § 3161(h)(8)(A), this Court should enter an order designating as a period of excludable delay the time between February 15, 2006, and the rescheduled final status conference. The parties concur that the ends of justice served by granting this brief continuance outweigh the best interest of the public and the Defendant in a speedy trial. The parties note that, for the reasons stated above, the failure to grant such a continuance would deny appointed counsel for Defendant the reasonable time necessary for effective preparation and representation of Defendant, taking into account the exercise of counsel's due diligence. See 18 U.S.C. § 3161(h)(8)(B)(iv).

Respectfully submitted,

FLORENTINO RUIDIAZ, JR.

MICHAEL J. SULLIVAN
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By his attorney,

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Date: February 15, 2006